

AMENDED IN SENATE MAY 4, 2015
AMENDED IN SENATE APRIL 9, 2015

SENATE BILL

No. 622

Introduced by Senator Hernandez

February 27, 2015

An act to amend ~~Section~~ *Sections 3041 and 3110* of, to add Sections 3041.4, 3041.5, 3041.6, 3041.7, and 3041.8 to, and to repeal and add Sections 3041.1, 3041.2, and 3041.3 of, the Business and Professions Code, relating to optometry, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 622, as amended, Hernandez. Optometry.

The Optometry Practice Act provides for the licensure and regulation of the practice of optometry by the State Board of Optometry, and defines the practice of optometry to include, among other things, the prevention and diagnosis of disorders and dysfunctions of the visual system, and the treatment and management of certain disorders and dysfunctions of the visual system, as well as the provision of rehabilitative optometric services, and doing certain things, including, but not limited to, the examination of the human eyes, the determination of the powers or range of human vision, and the prescribing of contact and spectacle lenses. Existing law authorizes an optometrist certified to use therapeutic pharmaceutical agents to diagnose and treat specified conditions, use specified pharmaceutical agents, and order specified diagnostic tests. The act requires optometrists treating or diagnosing eye disease, as specified, to be held to the same standard of care to which physicians and surgeons and osteopathic physician and surgeons are held. *The act requires an optometrist, in certain circumstances, to refer a patient to an ophthalmologist or a physician and surgeon,*

including when a patient has been diagnosed with a central corneal ulcer and the central corneal ulcer has not improved within 48 hours of the diagnosis. The act makes a violation of any of its provisions a crime. All moneys collected pursuant to the act, except where otherwise provided, are deposited in the Optometry Fund and continuously appropriated to the board to carry out the act.

This bill would revise and recast those provisions. *The bill would delete certain requirements that an optometrist refer a patient to an ophthalmologist or a physician and surgeon, including when a patient has been diagnosed with a central corneal ulcer and the central corneal ulcer has not improved within 48 hours of the diagnosis.* The bill would additionally define the practice of optometry as the provision of habilitative optometric services, and would authorize the board to allow optometrists to use nonsurgical technology to treat any authorized condition under the act. The bill would *additionally* authorize an optometrist *certified* to use ~~diagnostic therapeutic pharmaceutical agents, as specified, including, but not limited to, oral and topical diagnostic pharmaceutical agents that are not controlled substances.~~ *agents to collect a blood specimen by finger prick method, to perform skin tests, as specified, to diagnose ocular allergies, and to use mechanical lipid extraction of meibomian glands and nonsurgical techniques.* The bill would ~~authorize an optometrist to independently initiate and administer vaccines, as specified, for a person 3 years of age and older, if the optometrist meets certain requirements, including, but not limited to, require the board to grant an optometrist certified to treat glaucoma a certificate for the use of specified immunizations if certain conditions are met, including, among others, that he or she the optometrist is certified in basic life support for health care professionals.~~ *support.* The bill would additionally authorize an optometrist certified to use therapeutic pharmaceutical agents to, among other things, be certified to use anterior segment lasers, as specified, and to be certified to perform specified minor procedures, as specified, if certain requirements are met.

The bill would require the board to charge a fee of not more than \$150 to cover the reasonable regulatory cost of certifying an optometrist to use anterior segment ~~lasers.~~ *lasers, a fee of not more than \$150 to cover the reasonable regulatory cost of certifying an optometrist to use minor procedures, and a fee of not more than \$100 to cover the reasonable regulatory cost of certifying an optometrist to use*

immunizations. Because this bill would increase those moneys deposited in a continuously appropriated fund, it would make an appropriation.

Existing law establishes the Office of Statewide Health Planning and Development, which is vested with all the duties, powers, responsibilities, and jurisdiction of the State Department of Public Health relating to health planning and research development.

This bill would declare the intent of the Legislature that the Office of Statewide Health Planning designate a pilot project to test, demonstrate, and evaluate expanded roles for optometrists in the performance of management and treatment of diabetes mellitus, hypertension, and hypercholesterolemia.

Because a violation of the act is a crime, this bill would expand the scope of an existing crime and would, therefore, result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3041 of the Business and Professions
2 Code is amended to read:

3 3041. (a) The practice of optometry includes the prevention
4 and diagnosis of disorders and dysfunctions of the visual system,
5 and the treatment and management of certain disorders and
6 dysfunctions of the visual system, as well as the provision of
7 habilitative or rehabilitative optometric services, and is the doing
8 of any or all of the following:

9 (1) The examination of the human eye or eyes, or its or their
10 appendages, and the analysis of the human vision system, either
11 subjectively or objectively.

12 (2) The determination of the powers or range of human vision
13 and the accommodative and refractive states of the human eye or
14 eyes, including the scope of its or their functions and general
15 condition.

1 (3) The prescribing or directing the use of, or using, any optical
 2 device in connection with ocular exercises, visual training, vision
 3 training, or orthoptics.

4 (4) The prescribing of contact and spectacle lenses for, or the
 5 fitting or adaptation of contact and spectacle lenses to, the human
 6 eye, including lenses that may be classified as drugs or devices by
 7 any law of the United States or of this state.

8 (5) The use of topical pharmaceutical agents for the purpose of
 9 the examination of the human eye or eyes for any disease or
 10 pathological condition.

11 (b) The State Board of Optometry shall, by regulation, establish
 12 educational and examination requirements for licensure to ensure
 13 the competence of optometrists to practice pursuant to this ~~chapter.~~
 14 *chapter, except as specified in Section 3041.3 related to the use*
 15 *of anterior segment lasers and in Section 3041.4 related to minor*
 16 *procedures.* Satisfactory completion of the required educational
 17 and examination requirements shall be a condition for the issuance
 18 of an original optometrist license or required certifications pursuant
 19 to this chapter.

20 (c) The board may ~~authorize~~ *promulgate regulations authorizing*
 21 *optometrists to use noninvasive, nonsurgical technology to treat a*
 22 *condition authorized by this chapter. The board shall require a*
 23 *licensee to take a minimum of four hours of education courses on*
 24 *the new technology and perform an appropriate number of*
 25 *complete clinical procedures on live human patients to qualify to*
 26 *use each new technology authorized by the board pursuant to this*
 27 *subdivision.*

28 SEC. 2. Section 3041.1 of the Business and Professions Code
 29 is repealed.

30 SEC. 3. Section 3041.1 is added to the Business and Professions
 31 Code, to read:

32 3041.1. (a) (1) An optometrist who is certified to use
 33 therapeutic pharmaceutical agents pursuant to this section may
 34 also diagnose and treat the human eye or eyes, or any of its or their
 35 appendages, for all of the following conditions:

36 (A) Through medical treatment, infections of the anterior
 37 segment and adnexa.

38 (B) Ocular allergies of the anterior segment and adnexa.

39 ~~(C) Ocular inflammation that is nonsurgical in cause, except~~
 40 ~~when comanaged with the treating physician and surgeon.~~

1 (C) Ocular inflammation, nonsurgical in cause except when
2 comanaged with the treating physician and surgeon, limited to
3 inflammation resulting from traumatic iritis, peripheral corneal
4 inflammatory keratitis, episcleritis, and unilateral nonrecurrent
5 nongranulomatous idiopathic iritis in patients over 18 years of
6 age.

7 (D) Traumatic or recurrent conjunctival or corneal abrasions
8 and erosions.

9 (E) Corneal and conjunctival surface disease and dry eyes
10 disease.

11 (F) Ocular pain that is nonsurgical in cause, except when
12 comanaged with the treating physician and surgeon.

13 (G) ~~Eyelid disorders, including, but not limited to, hypotrichosis~~
14 ~~and blepharitis. Hypotrichosis and blepharitis.~~

15 (2) For purposes of this section, “treat” means the use of
16 therapeutic pharmaceutical agents, as described in subdivision (b),
17 and the procedures described in subdivision (c).

18 (3) For purposes of this chapter, “adnexa” means ocular adnexa.

19 (b) In diagnosing and treating the conditions listed in subdivision
20 (a), an optometrist certified to use therapeutic pharmaceutical
21 agents pursuant to this section may use all of the following
22 diagnostic and therapeutic pharmaceutical agents:

23 ~~(1) Oral and topical diagnostic and therapeutic pharmaceutical~~
24 ~~agents that are not controlled substances. The use of pharmaceutical~~
25 ~~agents shall be limited to the use for which the drug has been~~
26 ~~approved for marketing by the federal Food and Drug~~
27 ~~Administration (FDA).~~

28 ~~(2) Notwithstanding paragraph (1), an optometrist certified to~~
29 ~~use therapeutic pharmaceutical agents may use a drug in a way for~~
30 ~~which the drug has not been approved for marketing by the FDA~~
31 ~~if all of the following requirements are met:~~

32 ~~(A) The drug is approved by the FDA.~~

33 ~~(B) The drug has been recognized for treatment of the condition~~
34 ~~by either of the following:~~

35 ~~(i) The American Hospital Formulary Service’s Drug~~
36 ~~Information.~~

37 ~~(ii) Two articles from major peer reviewed medical journals~~
38 ~~that present data supporting the proposed off-label use or uses as~~
39 ~~generally safe and effective, unless there is clear and convincing~~

1 ~~contradictory evidence presented in a major peer reviewed medical~~
2 ~~journal.~~

3 ~~(3) Notwithstanding paragraph (1), codeine with compounds~~
4 ~~and hydrocodone with compounds as listed in the California~~
5 ~~Uniform Controlled Substances Act (Division 10 (commencing~~
6 ~~with Section 11000) of the Health and Safety Code) and the federal~~
7 ~~Controlled Substances Act (21 U.S.C. Sec. 801, et seq.) may be~~
8 ~~used. The use of these controlled substances shall be limited to~~
9 ~~five days.~~

10 *(1) Topical pharmaceutical agents for the purpose of the*
11 *examination of the human eye or eyes for any disease or*
12 *pathological condition, including, but not limited to, topical*
13 *miotics.*

14 *(2) Topical lubricants.*

15 *(3) Antiallergy agents. In using topical steroid medication for*
16 *the treatment of ocular allergies, an optometrist shall consult with*
17 *an ophthalmologist if the patient's condition worsens 21 days after*
18 *diagnosis.*

19 *(4) Topical and oral anti-inflammatories.*

20 *(5) Topical antibiotic agents.*

21 *(6) Topical hyperosmotics.*

22 *(7) Topical and oral antiglaucoma agents pursuant to the*
23 *certification process defined in Section 3041.2.*

24 *(8) Nonprescription medications used for the rational treatment*
25 *of an ocular disorder.*

26 *(9) Oral antihistamines.*

27 *(10) Prescription oral nonsteroidal anti-inflammatory agents.*

28 *(11) Oral antibiotics for medical treatment of ocular disease.*

29 *(12) Topical and oral antiviral medication for the medical*
30 *treatment of herpes simplex viral keratitis, herpes simplex viral*
31 *conjunctivitis, periocular herpes simplex viral dermatitis, varicella*
32 *zoster viral keratitis, varicella zoster viral conjunctivitis, and*
33 *periocular varicella zoster viral dermatitis.*

34 *(13) Oral analgesics that are not controlled substances.*

35 *(14) Codeine with compounds and hydrocodone with compounds*
36 *as listed in the California Uniform Controlled Substances Act*
37 *(Division 10 (commencing with Section 11000) of the Health and*
38 *Safety Code) and the United States Uniform Controlled Substances*
39 *Act (21 U.S.C. Sec. 801 et seq.). The use of these agents shall be*

1 *limited to five days, with a referral to an ophthalmologist if the*
2 *pain persists.*

3 (c) An optometrist who is certified to use therapeutic
4 pharmaceutical agents pursuant to this section may also perform
5 all of the following:

6 (1) Corneal scraping with cultures.

7 (2) Debridement of corneal epithelia.

8 (3) Mechanical epilation.

9 (4) Collection of a blood specimen by finger prick method or
10 venipuncture for testing patients suspected of having diabetes.

11 (5) Suture removal, with prior consultation with the treating
12 health care provider.

13 (6) Treatment or removal of sebaceous cysts by expression.

14 (7) Administration of oral fluorescein to patients suspected as
15 having diabetic retinopathy.

16 (8) Use of an auto-injector to counter anaphylaxis.

17 ~~(9) Ordering of clinical laboratory and imaging tests related to~~
18 ~~the practice of optometry.~~

19 ~~(10) A clinical laboratory test or examination classified as~~
20 ~~waived under CLIA and related to the practice of optometry.~~

21 (9) *Ordering of smears, cultures, sensitivities, complete blood*
22 *count, mycobacterial culture, acid fast stain, urinalysis, tear fluid*
23 *analysis, and X-rays necessary for the diagnosis of conditions or*
24 *diseases of the eye or adnexa. An optometrist may order other*
25 *types of images subject to prior consultation with the appropriate*
26 *physician and surgeon.*

27 (10) *A clinical laboratory test or examination classified as*
28 *waived under the Clinical Laboratory Improvement Amendments*
29 *of 1988 (CLIA)(42 U.S.C. Sec. 263a; Public Law 100-578) or any*
30 *regulations adopted pursuant to CLIA, and that are necessary for*
31 *the diagnosis of conditions and diseases of the eye or adnexa, or*
32 *if otherwise specifically authorized by this chapter.*

33 (11) Skin test to diagnose ocular allergies. Skin tests shall be
34 limited to the superficial layer of the skin.

35 (12) Punctal occlusion by plugs, excluding laser, diathermy,
36 cryotherapy, or other means constituting surgery as defined in this
37 chapter.

38 (13) The prescription of therapeutic contact lenses, diagnostic
39 contact lenses, or biological or technological corneal devices.

1 *devices that diagnose or treat a condition authorized under this*
2 *chapter.*

3 (14) Removal of foreign bodies from the cornea, eyelid, and
4 conjunctiva with any appropriate instrument other than a ~~scalpel~~
5 ~~or needle~~. *scalpel*. Corneal foreign bodies shall be nonperforating,
6 be no deeper than the midstroma, and require no surgical repair
7 upon removal.

8 (15) For patients over 12 years of age, lacrimal irrigation and
9 dilation, excluding probing of the nasal lacrimal tract. The board
10 shall certify any optometrist who graduated from an accredited
11 school of optometry before May 1, 2000, to perform this procedure
12 after submitting proof of satisfactory completion and confirmation
13 of 10 procedures under the supervision of an ophthalmologist or
14 optometrist who is certified in lacrimal irrigation and dilation. Any
15 optometrist who graduated from an accredited school of optometry
16 on or after May 1, 2000, shall be exempt from the certification
17 requirement contained in this paragraph.

18 (16) Use of mechanical lipid extraction of meibomian glands
19 and nonsurgical techniques.

20 ~~(17) Notwithstanding subdivision (b), administration of~~
21 ~~injections for the diagnoses or treatment of conditions of the eye~~
22 ~~and adnexa, excluding intraorbital injections and injections~~
23 ~~administered for cosmetic effect, provided that the optometrist has~~
24 ~~satisfactorily received four hours of continuing education on~~
25 ~~performing all injections authorized by this paragraph.~~

26 (d) In order to be certified to use therapeutic pharmaceutical
27 agents and authorized to diagnose and treat the conditions listed
28 in this section, an optometrist shall apply for a certificate from the
29 board and meet all requirements imposed by the board.

30 (e) The board shall grant a certificate to use therapeutic
31 pharmaceutical agents to any applicant who graduated from a
32 California accredited school of optometry prior to January 1, 1996,
33 is licensed as an optometrist in California, and meets all of the
34 following requirements:

35 (1) Satisfactorily completes a didactic course of no less than 80
36 classroom hours in the diagnosis, pharmacological, and other
37 treatment and management of ocular disease provided by either
38 an accredited school of optometry in California or a recognized
39 residency review committee in ophthalmology in California.

1 (2) Completes a preceptorship of no less than 65 hours, during
2 a period of not less than two months nor more than one year, in
3 either an ophthalmologist's office or an optometric clinic. The
4 training received during the preceptorship shall be on the diagnosis,
5 treatment, and management of ocular, systemic disease. The
6 preceptor shall certify completion of the preceptorship.
7 Authorization for the ophthalmologist to serve as a preceptor shall
8 be provided by an accredited school of optometry in California,
9 or by a recognized residency review committee in ophthalmology,
10 and the preceptor shall be licensed as an ophthalmologist in
11 California, board certified in ophthalmology, and in good standing
12 with the Medical Board of California. The individual serving as
13 the preceptor shall schedule no more than three optometrist
14 applicants for each of the required 65 hours of the preceptorship
15 program. This paragraph shall not be construed to limit the total
16 number of optometrist applicants for whom an individual may
17 serve as a preceptor, and is intended only to ensure the quality of
18 the preceptorship by requiring that the ophthalmologist preceptor
19 schedule the training so that each applicant optometrist completes
20 each of the 65 hours of the preceptorship while scheduled with no
21 more than two other optometrist applicants.

22 (3) Successfully completes a minimum of 20 hours of
23 self-directed education.

24 (4) Passes the National Board of Examiners in Optometry's
25 "Treatment and Management of Ocular Disease" examination or,
26 in the event this examination is no longer offered, its equivalent,
27 as determined by the State Board of Optometry.

28 (5) Passes the examination issued upon completion of the
29 80-hour didactic course required under paragraph (1) and provided
30 by the accredited school of optometry or residency program in
31 ophthalmology.

32 (6) When any or all of the requirements contained in paragraph
33 (1), (4), or (5) have been satisfied on or after July 1, 1992, and
34 before January 1, 1996, an optometrist shall not be required to
35 fulfill the satisfied requirements in order to obtain certification to
36 use therapeutic pharmaceutical agents. In order for this paragraph
37 to apply to the requirement contained in paragraph (5), the didactic
38 examination that the applicant successfully completed shall meet
39 equivalency standards, as determined by the board.

1 (7) Any optometrist who graduated from an accredited school
2 of optometry on or after January 1, 1992, and before January 1,
3 1996, shall not be required to fulfill the requirements contained in
4 paragraphs (1), (4), and (5).

5 (f) The board shall grant a certificate to use therapeutic
6 pharmaceutical agents to any applicant who graduated from a
7 California accredited school of optometry on or after January 1,
8 1996, who is licensed as an optometrist in California, and who
9 meets all of the following requirements:

10 (1) Passes the National Board of Examiners in Optometry's
11 national board examination, or its equivalent, as determined by
12 the State Board of Optometry.

13 (2) Of the total clinical training required by a school of
14 optometry's curriculum, successfully completed at least 65 of those
15 hours on the diagnosis, treatment, and management of ocular,
16 systemic disease.

17 (3) Is certified by an accredited school of optometry as
18 competent in the diagnosis, treatment, and management of ocular,
19 systemic disease to the extent authorized by this section.

20 (4) Is certified by an accredited school of optometry as having
21 completed at least 10 hours of experience with a board-certified
22 ophthalmologist.

23 (g) The board shall grant a certificate to use therapeutic
24 pharmaceutical agents to any applicant who is an optometrist who
25 obtained his or her license outside of California if he or she meets
26 all of the requirements for an optometrist licensed in California to
27 be certified to use therapeutic pharmaceutical agents.

28 (1) In order to obtain a certificate to use therapeutic
29 pharmaceutical agents, any optometrist who obtained his or her
30 license outside of California and graduated from an accredited
31 school of optometry prior to January 1, 1996, shall be required to
32 fulfill the requirements set forth in subdivision (e). In order for the
33 applicant to be eligible for the certificate to use therapeutic
34 pharmaceutical agents, the education he or she received at the
35 accredited out-of-state school of optometry shall be equivalent to
36 the education provided by any accredited school of optometry in
37 California for persons who graduated before January 1, 1996. For
38 those out-of-state applicants who request that any of the
39 requirements contained in subdivision (e) be waived based on
40 fulfillment of the requirement in another state, if the board

1 determines that the completed requirement was equivalent to that
2 required in California, the requirement shall be waived.

3 (2) In order to obtain a certificate to use therapeutic
4 pharmaceutical agents, any optometrist who obtained his or her
5 license outside of California and who graduated from an accredited
6 school of optometry on or after January 1, 1996, shall be required
7 to fulfill the requirements set forth in subdivision (f). In order for
8 the applicant to be eligible for the certificate to use therapeutic
9 pharmaceutical agents, the education he or she received by the
10 accredited out-of-state school of optometry shall be equivalent to
11 the education provided by any accredited school of optometry for
12 persons who graduated on or after January 1, 1996. For those
13 out-of-state applicants who request that any of the requirements
14 contained in subdivision (f) be waived based on fulfillment of the
15 requirement in another state, if the board determines that the
16 completed requirement was equivalent to that required in
17 California, the requirement shall be waived.

18 (3) The State Board of Optometry shall decide all issues relating
19 to the equivalency of an optometrist's education or training under
20 this subdivision.

21 (h) Other than for prescription ophthalmic devices described in
22 subdivision (b) of Section 2541, any dispensing of a therapeutic
23 pharmaceutical agent by an optometrist shall be without charge.

24 (i) Except as authorized by this chapter, the practice of
25 optometry does not include performing surgery. "Surgery" means
26 any procedure in which human tissue is cut, altered, or otherwise
27 infiltrated by mechanical or laser means. "Surgery" does not
28 include those procedures specified in subdivision (c). This section
29 does not limit an optometrist's authority to utilize diagnostic laser
30 and ultrasound technology within his or her scope of practice.

31 (j) In an emergency, an optometrist shall stabilize, if possible,
32 and immediately refer any patient who has an acute attack of angle
33 closure to an ophthalmologist.

34 SEC. 4. Section 3041.2 of the Business and Professions Code
35 is repealed.

36 SEC. 5. Section 3041.2 is added to the Business and Professions
37 Code, to read:

38 3041.2. (a) For purposes of this chapter, "glaucoma" means
39 any of the following:

40 (1) All primary open-angle glaucoma.

- 1 (2) Exfoliation and pigmentary glaucoma.
- 2 (3) Increase in intraocular pressure caused by steroid ~~medication.~~
- 3 *medication prescribed by the optometrist.*

4 (4) *Increase in intraocular pressure caused by steroid*
 5 *medication not prescribed by the optometrist, after consultation*
 6 *and treatment approval by the prescribing physician.*

7 (b) An optometrist certified pursuant to Section 3041.1 shall be
 8 certified for the treatment of glaucoma, as described in subdivision
 9 (a), in patients over 18 years of age after the optometrist meets the
 10 following applicable requirements:

11 (1) For licensees who graduated from an accredited school of
 12 optometry on or after May 1, 2008, submission of proof of
 13 graduation from that institution.

14 (2) For licensees who were certified to treat glaucoma under
 15 this section prior to January 1, 2009, submission of proof of
 16 completion of that certification program.

17 (3) For licensees who completed a didactic course of not less
 18 than 24 hours in the diagnosis, pharmacological, and other
 19 treatment and management of glaucoma, submission of proof of
 20 satisfactory completion of the case management requirements for
 21 certification established by the board.

22 (4) For licensees who graduated from an accredited school of
 23 optometry on or before May 1, 2008, and are not described in
 24 paragraph (2) or (3), submission of proof of satisfactory completion
 25 of the requirements for certification established by the board.

26 SEC. 6. Section 3041.3 of the Business and Professions Code
 27 is repealed.

28 SEC. 7. Section 3041.3 is added to the Business and Professions
 29 Code, to read:

30 3041.3. (a) For the purposes of this chapter, “anterior segment
 31 laser” means any of the following:

- 32 (1) Therapeutic lasers appropriate for treatment of glaucoma.
- 33 (2) Notwithstanding subdivision (a) of Section 3041.2,
- 34 peripheral iridotomy for the prophylactic treatment of angle closure
 35 glaucoma.
- 36 (3) Therapeutic lasers used for posterior capsulotomy secondary
 37 to cataract surgery.

38 (b) An optometrist certified to treat glaucoma pursuant to
 39 Section 3041.2 shall be additionally certified for the use of anterior
 40 segment lasers after submitting proof of satisfactory completion

1 of a course that is approved by the board, provided by an accredited
2 school of optometry, and developed in consultation with an
3 ophthalmologist who has experience educating optometric students.
4 *The board shall issue a certificate pursuant to this section only to*
5 *an optometrist that has graduated from an approved school of*
6 *optometry.*

7 (1) The board-approved course shall be ~~a minimum of 16~~ *at*
8 *least 25 hours in length, and include a test for competency of the*
9 *following:*

- 10 (A) Laser physics, hazards, and safety.
- 11 (B) Biophysics of laser.
- 12 (C) Laser application in clinical optometry.
- 13 (D) Laser tissue interactions.
- 14 (E) Laser indications, contraindications, and potential
15 complications.
- 16 (F) Gonioscopy.
- 17 (G) Laser therapy for open-angle glaucoma.
- 18 (H) Laser therapy for angle closure glaucoma.
- 19 (I) Posterior capsulotomy.
- 20 (J) Common complications of the lids, lashes, and lacrimal
21 system.
- 22 (K) Medicolegal aspects of anterior segment procedures.
- 23 (L) Peripheral iridotomy.
- 24 (M) Laser trabeculoplasty.

25 (2) The school of optometry shall require each applicant for
26 certification to perform a sufficient number of *complete* anterior
27 segment laser procedures to verify that the applicant has
28 demonstrated competency to practice independently. At a
29 minimum, each applicant shall complete ~~14~~ *24* anterior segment
30 laser procedures on live ~~humans~~ *humans as follows:*

- 31 (A) *Eight YAG capsulotomy procedures.*
- 32 (B) *Eight laser trabeculoplasty procedures.*
- 33 (C) *Eight peripheral iridotomy procedures.*
- 34 (c) The board, by regulation, shall set the fee for issuance and
35 renewal of a certificate authorizing the use of anterior segment
36 lasers at an amount no higher than the reasonable cost of regulating
37 anterior segment laser certified optometrists pursuant to this
38 section. The fee shall not exceed one hundred fifty dollars (\$150).
- 39 (d) *An optometrist certified to use anterior segment lasers*
40 *pursuant to this section shall complete four hours of continuing*

1 *education on anterior segment lasers as part of the required 50*
2 *hours of continuing education required to be completed every two*
3 *years on the diagnosis, treatment, and management of glaucoma.*

4 SEC. 8. Section 3041.4 is added to the Business and Professions
5 Code, to read:

6 3041.4. (a) For the purposes of this chapter, “minor procedure”
7 means either of the following:

8 (1) Removal, destruction, or drainage of lesions of the eyelid
9 and adnexa clinically evaluated by the optometrist to be
10 noncancerous, not involving the eyelid margin, lacrimal supply or
11 drainage systems, no deeper than the orbicularis muscle, and
12 smaller than five millimeters in diameter.

13 (2) Closure of a wound resulting from a procedure described in
14 paragraph (1).

15 (3) *Administration of injections for the diagnoses or treatment*
16 *of conditions of the eye and adnexa authorized by this chapter,*
17 *excluding intraorbital injections and injections administered for*
18 *cosmetic effect.*

19 (4) *“Minor procedures” does not include blepharoplasty or*
20 *other cosmetic surgery procedures that reshape normal structures*
21 *of the body in order to improve appearance and self-esteem.*

22 (b) An optometrist certified to treat glaucoma pursuant to
23 Section 3041.2 shall be additionally certified to perform minor
24 procedures after submitting proof of satisfactory completion of a
25 course that is approved by the board, provided by an accredited
26 school of optometry, and developed in consultation with an
27 ophthalmologist who has experience teaching optometric students.
28 *The board shall issue a certificate pursuant to this section only to*
29 *an optometrist that has graduated from an approved school of*
30 *optometry.*

31 (1) The board-approved course shall be ~~a minimum of 32 hours~~
32 *at least 25 hours* in length and include a test for competency of
33 the following:

34 (A) Minor surgical procedures.

35 (B) Overview of surgical instruments, asepsis, and the state and
36 federal Occupational Safety and Health Administrations.

37 (C) Surgical anatomy of the eyelids.

38 (D) Emergency surgical procedures.

39 (E) Chalazion management.

40 (F) Epiluminescence microscopy.

- 1 (G) Suture techniques.
- 2 (H) Local anesthesia techniques and complications.
- 3 (I) Anaphylaxis and other office emergencies.
- 4 (J) Radiofrequency surgery.
- 5 (K) Postoperative wound care.
- 6 (L) *Injection techniques.*

7 (2) The school of optometry shall require each applicant for
8 certification to perform a sufficient number of minor procedures
9 to verify that the applicant has demonstrated competency to
10 practice independently. At a minimum, each applicant shall *perform*
11 ~~32~~ complete ~~five~~ minor procedures on live humans.

12 (c) *The board, by regulation, shall set the fee for issuance and*
13 *renewal of a certificate authorizing the use of minor procedures*
14 *at an amount no greater than the reasonable cost of regulating*
15 *minor procedure certified optometrists pursuant to this section.*
16 *The fee shall not exceed one hundred fifty dollars (\$150).*

17 (d) *An optometrist certified to perform minor procedures*
18 *pursuant to Section 3041.1 shall complete five hours of continuing*
19 *education on the diagnosis, treatment, and management of lesions*
20 *of the eyelid and adnexa as part of the 50 hours of continuing*
21 *education required every two years in Section 3059.*

22 ~~SEC. 9. Section 3041.5 is added to the Business and Professions~~
23 ~~Code, to read:~~

24 ~~3041.5. (a) An optometrist may independently initiate and~~
25 ~~administer vaccines listed on the routine immunization schedules~~
26 ~~recommended by the federal Advisory Committee on Immunization~~
27 ~~Practices (ACIP), in compliance with individual ACIP vaccine~~
28 ~~recommendations, and published by the federal Centers for Disease~~
29 ~~Control and Prevention (CDC) for persons three years of age and~~
30 ~~older.~~

31 ~~(b) In order to initiate and administer an immunization described~~
32 ~~in subdivision (a), an optometrist shall do all of the following:~~

33 ~~(1) Complete an immunization training program endorsed by~~
34 ~~the CDC or the Accreditation Council for Pharmacy Education~~
35 ~~that, at a minimum, includes hands-on injection technique, clinical~~
36 ~~evaluation of indications and contraindications of vaccines, and~~
37 ~~the recognition and treatment of emergency reactions to vaccines,~~
38 ~~and shall maintain that training.~~

39 ~~(2) Be certified in basic life support for health care professionals.~~

1 ~~(3) Comply with all state and federal recordkeeping and~~
2 ~~reporting requirements, including providing documentation to the~~
3 ~~patient's primary care provider and entering information in the~~
4 ~~appropriate immunization registry designated by the immunization~~
5 ~~branch of the State Department of Public Health.~~

6 SEC. 9. Section 3041.5 is added to the Business and Professions
7 Code, to read:

8 3041.5. (a) The board shall grant to an optometrist a
9 certificate for the use of immunizations described in subdivision
10 (b), if the optometrist is certified pursuant to Section 3041.2 and
11 after the optometrist meets all of the following requirements:

12 (1) Completes an immunization training program endorsed by
13 the federal Centers for Disease Control (CDC) that, at a minimum,
14 includes hands-on injection technique, clinical evaluation of
15 indications and contraindications of vaccines, and the recognition
16 and treatment of emergency reactions to vaccines, and maintains
17 that training.

18 (2) Is certified in basic life support.

19 (3) Complies with all state and federal recordkeeping and
20 reporting requirements, including providing documentation to the
21 patient's primary care provider and entering information in the
22 appropriate immunization registry designated by the immunization
23 branch of the State Department of Public Health.

24 (b) For the purposes of this section, "immunization" means the
25 administration of immunizations for influenza, herpes zoster virus,
26 and pneumococcus in compliance with individual Advisory
27 Committee on Immunization Practices (ACIP) vaccine
28 recommendations published by the CDC for persons 18 years of
29 age or older.

30 (c) The board, by regulation, shall set the fee for issuance and
31 renewal of a certificate for the use of immunizations at the
32 reasonable cost of regulating immunization certified optometrists
33 pursuant to this section. The fee shall not exceed one hundred
34 dollars (\$100).

35 SEC. 10. Section 3041.6 is added to the Business and
36 Professions Code, to read:

37 3041.6. An optometrist licensed under this chapter is subject
38 to the provisions of Section 2290.5 for purposes of practicing
39 telehealth.

1 SEC. 11. Section 3041.7 is added to the Business and
2 Professions Code, to read:

3 3041.7. Optometrists diagnosing or treating eye disease shall
4 be held to the same standard of care to which physicians and
5 surgeons and osteopathic physicians and surgeons are held. An
6 optometrist shall consult with and, if necessary, refer to a physician
7 and surgeon or other appropriate health care provider when a
8 situation or condition occurs that is beyond the optometrist's scope
9 of practice.

10 SEC. 12. Section 3041.8 is added to the Business and
11 Professions Code, to read:

12 3041.8. It is the intent of the Legislature that the Office of
13 Statewide Health Planning and Development, under the Health
14 Workforce Pilot Projects Program, designate a pilot project to test,
15 demonstrate, and evaluate expanded roles for optometrists in the
16 performance of management and treatment of diabetes mellitus,
17 hypertension, and hypercholesterolemia.

18 *SEC. 13. Section 3110 of the Business and Professions Code*
19 *is amended to read:*

20 3110. The board may take action against any licensee who is
21 charged with unprofessional conduct, and may deny an application
22 for a license if the applicant has committed unprofessional conduct.
23 In addition to other provisions of this article, unprofessional
24 conduct includes, but is not limited to, the following:

25 (a) Violating or attempting to violate, directly or indirectly
26 assisting in or abetting the violation of, or conspiring to violate
27 any provision of this chapter or any of the rules and regulations
28 adopted by the board pursuant to this chapter.

29 (b) Gross negligence.

30 (c) Repeated negligent acts. To be repeated, there must be two
31 or more negligent acts or omissions.

32 (d) Incompetence.

33 (e) The commission of fraud, misrepresentation, or any act
34 involving dishonesty or corruption, that is substantially related to
35 the qualifications, functions, or duties of an optometrist.

36 (f) Any action or conduct that would have warranted the denial
37 of a license.

38 (g) The use of advertising relating to optometry that violates
39 Section 651 or 17500.

1 (h) Denial of licensure, revocation, suspension, restriction, or
2 any other disciplinary action against a health care professional
3 license by another state or territory of the United States, by any
4 other governmental agency, or by another California health care
5 professional licensing board. A certified copy of the decision or
6 judgment shall be conclusive evidence of that action.

7 (i) Procuring his or her license by fraud, misrepresentation, or
8 mistake.

9 (j) Making or giving any false statement or information in
10 connection with the application for issuance of a license.

11 (k) Conviction of a felony or of any offense substantially related
12 to the qualifications, functions, and duties of an optometrist, in
13 which event the record of the conviction shall be conclusive
14 evidence thereof.

15 (l) Administering to himself or herself any controlled substance
16 or using any of the dangerous drugs specified in Section 4022, or
17 using alcoholic beverages to the extent, or in a manner, as to be
18 dangerous or injurious to the person applying for a license or
19 holding a license under this chapter, or to any other person, or to
20 the public, or, to the extent that the use impairs the ability of the
21 person applying for or holding a license to conduct with safety to
22 the public the practice authorized by the license, or the conviction
23 of a misdemeanor or felony involving the use, consumption, or
24 self-administration of any of the substances referred to in this
25 subdivision, or any combination thereof.

26 (m) (1) Committing or soliciting an act punishable as a sexually
27 related crime, if that act or solicitation is substantially related to
28 the qualifications, functions, or duties of an optometrist.

29 (2) Committing any act of sexual abuse, misconduct, or relations
30 with a patient. The commission of and conviction for any act of
31 sexual abuse, sexual misconduct, or attempted sexual misconduct,
32 whether or not with a patient, shall be considered a crime
33 substantially related to the qualifications, functions, or duties of a
34 licensee. This paragraph shall not apply to sexual contact between
35 any person licensed under this chapter and his or her spouse or
36 person in an equivalent domestic relationship when that licensee
37 provides optometry treatment to his or her spouse or person in an
38 equivalent domestic relationship.

39 (3) Conviction of a crime that requires the person to register as
40 a sex offender pursuant to Chapter 5.5 (commencing with Section

1 290) of Title 9 of Part 1 of the Penal Code. A conviction within
2 the meaning of this paragraph means a plea or verdict of guilty or
3 a conviction following a plea of nolo contendere. A conviction
4 described in this paragraph shall be considered a crime substantially
5 related to the qualifications, functions, or duties of a licensee.

6 (n) Repeated acts of excessive prescribing, furnishing, or
7 administering of controlled substances or dangerous drugs specified
8 in Section 4022, or repeated acts of excessive treatment.

9 (o) Repeated acts of excessive use of diagnostic or therapeutic
10 procedures, or repeated acts of excessive use of diagnostic or
11 treatment facilities.

12 (p) The prescribing, furnishing, or administering of controlled
13 substances or drugs specified in Section 4022, or treatment without
14 a good faith prior examination of the patient and optometric reason.

15 (q) The failure to maintain adequate and accurate records
16 relating to the provision of services to his or her patients.

17 (r) Performing, or holding oneself out as being able to perform,
18 or offering to perform, any professional services beyond the scope
19 of the license authorized by this chapter.

20 (s) The practice of optometry without a valid, unrevoked,
21 unexpired license.

22 (t) The employing, directly or indirectly, of any suspended or
23 unlicensed optometrist to perform any work for which an optometry
24 license is required.

25 (u) Permitting another person to use the licensee's optometry
26 license for any purpose.

27 (v) Altering with fraudulent intent a license issued by the board,
28 or using a fraudulently altered license, permit certification or any
29 registration issued by the board.

30 (w) Except for good cause, the knowing failure to protect
31 patients by failing to follow infection control guidelines of the
32 board, thereby risking transmission of bloodborne infectious
33 diseases from optometrist to patient, from patient to patient, or
34 from patient to optometrist. In administering this subdivision, the
35 board shall consider the standards, regulations, and guidelines of
36 the State Department of Public Health developed pursuant to
37 Section 1250.11 of the Health and Safety Code and the standards,
38 guidelines, and regulations pursuant to the California Occupational
39 Safety and Health Act of 1973 (Part 1 (commencing with Section
40 6300) of Division 5 of the Labor Code) for preventing the

1 transmission of HIV, hepatitis B, and other bloodborne pathogens
2 in health care settings. As necessary, the board may consult with
3 the Medical Board of California, the Board of Podiatric Medicine,
4 the Board of Registered Nursing, and the Board of Vocational
5 Nursing and Psychiatric Technicians, to encourage appropriate
6 consistency in the implementation of this subdivision.

7 (x) Failure or refusal to comply with a request for the clinical
8 records of a patient, that is accompanied by that patient's written
9 authorization for release of records to the board, within 15 days
10 of receiving the request and authorization, unless the licensee is
11 unable to provide the documents within this time period for good
12 cause.

13 (y) Failure to refer a patient to an appropriate physician in either
14 of the following circumstances:

15 (1) ~~Where~~ *physician* if an examination of the eyes indicates a
16 substantial likelihood of any pathology that requires the attention
17 of that physician.

18 (2) ~~As required by subdivision (e) of Section 3041.~~

19 ~~SEC. 13.~~

20 *SEC. 14.* No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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